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TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603			STUART, COLIN W	
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			02/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,109	<b>Applicant(s)</b> MAKINSON ET AL.
	<b>Examiner</b> COLIN STUART	<b>Art Unit</b> 4177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2006.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 6-9, and 13-14 is/are rejected.  
 7) Claim(s) 5 and 10-12 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/16/06
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

Claims 5 and 10-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

***Note to Applicant***

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The Applicant has used the language "for" and "adapted to" in the claims; this language may be indicative of intended use.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being obvious over Kramer et al. (WO 2004/026382) in view of Eckerbom et al. (5,460,172).**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and

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reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

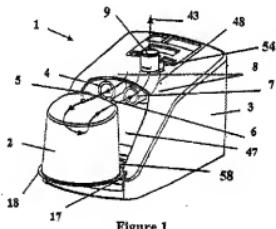
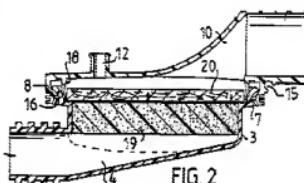


Figure 1



Eckerbom et al.; Fig. 2

In regards to claim 1, Kramer et al. teaches an apparatus for use in humidified gases delivery treatment comprising:

a housing, ("CPAP machine has a housing" (pg. 7 ln. 4))

a pressurised gases supply within said housing, ("CPAP machine has a housing containing a blower" (pg. 7 ln. 5))

a pressurised gases outlet in said housing in fluid connection with said pressurised gases supply and adapted to make fluid connection with an inlet of a humidifier in order to provide gases flow to a said humidifier, (outlet port 4; Fig. 1)

but Kramer et al. is silent to including a filter means on or over said inlet of said humidifier to filter said gases entering said humidifier. However, Eckerbom et al.

teaches a similar moisture and heat exchange unit which in the air flow path "on the 'dry and cold' side thereof, a bacterial filter 20 is positioned" (col. 3 ln. 60; Fig. 2 filter 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus taught by Kramer et al. to include a filter as taught by Eckerborn et al. on or over the dry and cold side of the inlet of the humidifier, because Eckerborn et al. teaches a moisture and heat exchanging unit may add a filter to complete the required functions of the device. (column 2, lines 43-50)

In regards to claim 2, modified Kramer et al. teaches an apparatus according to claim 1 further comprising a humidified gases return in said housing, adapted to make fluid connection with an outlet of a said humidifier in order to receive humidified gases from said humidifier, (inlet port 7; Fig. 1)

and a patient outlet in said housing, in fluid connection with said humidified gases return in order to receive humidified gases from said humidified gases return and provide humidified gases to said patient outlet, said patient outlet being in fluid connection with or adapted to make fluid connection with a breathing conduit for delivery of humidified gases to a patient. ("outlet port 9 which is adapted to connect with a flexible conduit connector for delivery to a patient" (pg. 8 ln. 19); Fig. 1)

In regards to claim 3, modified Kramer et al. teaches an apparatus according to claim 1 or 2 wherein said humidifier is a heatable water chamber, (water chamber 2; Fig. 1)

and said apparatus includes, a chamber heating means connected to said housing (chamber heating means 58; Fig. 1)

and said housing includes a humidifier engagement locating a said humidifier adjacent said chamber heating means, said chamber heating means adapted to vaporise liquid water in said water chamber in order to provide water vapour to said gases flow passing through said water chamber. (receiving bay 47; Fig. 1)

In regards to claim 4, modified Kramer et al. teaches an apparatus according to claim 3 wherein said humidification chamber has a base and said chamber is engagable with said humidifier engagement via a single motion, and said single motion of engagement urges the base of said humidification chamber adjacent and in contact with said chamber heating means and makes a first fluid connection between said pressurised gases outlet and said humidifier inlet, and makes a second fluid connection between said humidified gases return and said humidifier outlet, with said first and second fluid connections being made in the direction of said single motion. ("complete connection or disconnection of the water chamber from the CPAP system (including the breathing conduit) can be achieved with a single slide-on or slide-off motion respectively" (pg. 8 ln. 23))

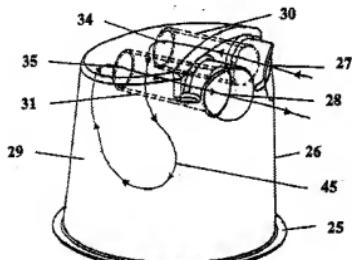


Figure 4

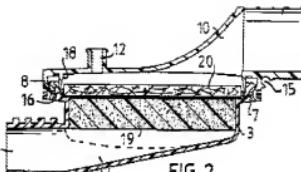


FIG. 2

Kramer et al.: Fig. 4

Eckerbom et al.: Fig. 2

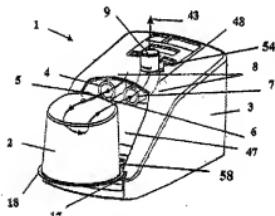


Figure 1

Kramer et al.: Fig. 1

In regards to claim 6, Kramer et al. teaches a humidifier chamber for use with a gases humidification apparatus comprising:

a container, with a surrounding wall and top, and an open bottom, ("the chamber ... is constructed from an open bottomed plastic container" (pg. 11 ln. 17))

a heat conductive base enclosing said open bottom of said container, ("container enclosed by a heat conductive base 24" (pg. 11 ln. 18); Fig. 4)

a gases inlet to said container, (gases inlet 27; Fig. 4)

a gases outlet to said container, (gases outlet 28; Fig. 4)

but Kramer et al. is silent to including a filter means on or over said inlet to said container to filter said gases to said container. However, Eckerbom et al. teaches a similar moisture and heat exchange unit which in the air flow path "on the 'dry and cold' side thereof, a bacterial filter 20 is positioned" (col. 3 ln. 60; Fig. 2 filter 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus taught by Kenyon et al. to include a filter as taught by Eckerbom et al. on or over the dry and cold side of the inlet of the humidifier, because Eckerbom et al. teaches a moisture and heat exchanging unit may add a filter to complete the required functions of the device. (column 2, lines 43-50)

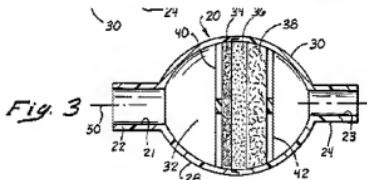
In regards to claim 7, modified Kramer et al. teaches a humidifier chamber according to claim 5 further comprising a first elongate flow tube extending into said humidifier container from the inner periphery of said gases inlet (inlet extension tube 30; Fig. 4)

and, a second elongate flow tube extending into said humidifier container from the inner periphery of said gases outlet, (outlet extension tube 31; Fig. 4)

said first and said second flow tubes being substantially parallel to each other, and substantially parallel to said base of said chamber, and said gases inlet and said gases outlet facing the same direction, (tubes are parallel to base and each other and face the same direction; see Fig. 4)

a preferred insertion direction, and said preferred insertion direction is substantially parallel to the said base of said chamber, such that said humidifier chamber may make operable engagement with a heater base in a single motion, and fluid connections with said gases outlet and said gases inlet, being also made in said single motion. ("complete connection or disconnection of the water chamber from the CPAP system (including the breathing conduit) can be achieved with a single slide-on or slide-off motion respectively" (pg. 8 ln. 23); see Fig. 1 for water chamber insertion into base of CPAP machine)

**Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer et al. (WO 2004/026382) and Eckerbom et al. (5,460,172) as applied to claim 6 or 7 above, and further in view of Martin, Jr. et al. (5,992,413).**



Martin, Jr. et al.: Fig. 3

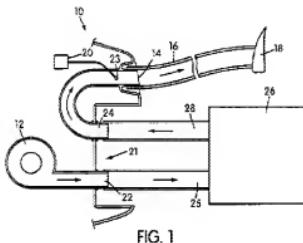
In regards to claim 8, modified Kramer et al. in view of Eckerbom et al. teaches a humidifier chamber according to claims 6 or 7 including means to lock said filter means in place in said inlet. Eckerbom et al. states that the filter is sealed to the inlet "by welding along its periphery" (col. 4 ln. 63).

however, Eckerbom is silent to said filter means including a framework substantially supporting a filter material, however Martin, Jr. et al. teaches a filter for a heat and moisture exchanger which includes "support members 40 and 42 [which] are positioned so that they provide support for the filter element 34" (col. 6 ln. 38; Martin, Jr. et al. Fig. 3).

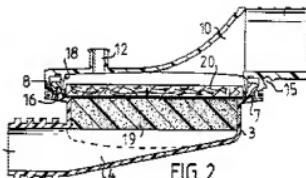
Martin, Jr. et al. also teaches that said framework being shaped to fit the internal shape of said inlet as "inlet 22 is defined by first housing section 28. Such respiratory gases pass through filter element 34" (col. 6 ln. 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the filter taught by Eckerbom et al. applied to the device of Kramer et al. to include framework to support the filter at the gas inlet in view of Martin, Jr. et al., because Martin, Jr. et al. states that the taught filter element is useful to remove contaminants, for example, liquid particles, microbes and/or other contaminating materials, from the respiratory gases" (col. 5 ln. 27).

In regards to claim 9, the device of Kramer et al. with the modified filter taught by Martin, Jr. et al. teaches a humidifier chamber according to claim 8 wherein said filter material is interposed between the structural members of said framework. Filter (34) is interposed between framework elements 40 and 42. (See Martin, Jr. et al. Fig. 3)

**Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon et al. (6,397,841) in view of Eckerbom et al. (5,460,172).**



Kenyon et al. Figure 1



Eckerbom et al. Figure 2

In regards to claim 1, Kenyon et al. teaches an apparatus for use in humidified gases delivery treatment comprising:

a housing, ("housing 32" (col. 4 ln. 16))

a pressurised gases supply within said housing, (Fig. 1 "flow generator 12" (col. 3 ln. 52)

a pressurised gases outlet in said housing in fluid connection with said pressurised gases supply and adapted to make fluid connection with an inlet of a humidifier in order to provide gases flow to a said humidifier, (connection inlet 22; Fig. 1) and

but Kenyon et al. is silent to including filter means on or over said inlet of said humidifier to filter said gases entering said humidifier. However, Eckerbom et al. teaches a similar moisture and heat exchange unit which in the air flow path "on the 'dry and cold' side thereof, a bacterial filter 20 is positioned" (col. 3 ln. 60; Fig. 2 filter 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus taught by Kenyon et al. to include a filter as taught by Eckerbom

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et al. on or over the dry and cold side of the inlet of the humidifier, because Eckerbom et al. teaches a moisture and heat exchanging unit may add a filter to complete the required functions of the device. (column 2, lines 43-50)

In regards to claim 2, modified Kenyon et al. teaches an apparatus according to claim 1 further comprising a humidified gases return in said housing, adapted to make fluid connection with an outlet of a said humidifier in order to receive humidified gases from said humidifier, (connection outlet 24; Kenyon et al. Fig. 1) and

a patient outlet in said housing, in fluid connection with said humidified gases return in order to receive humidified gases from said humidified gases return and provide humidified gases to said patient outlet, said patient outlet being in fluid connection with or adapted to make fluid connection with a breathing conduit for delivery of humidified gases to a patient. (breathable gas outlet 14; Kenyon et al. Fig. 1)

**Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon et al. (6,397,841) and Eckerbom et al. (5,460,172) as applied to claim 1 or 2 above, and further in view of Mayer et al. (7,096,864).**

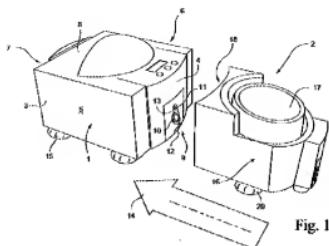


Fig. 1

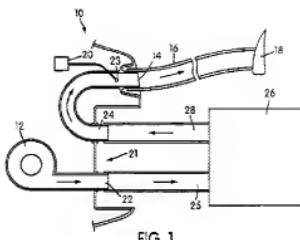


FIG. 1

Fig. 1 of Mayer et al.

Fig. 1 of Kenyon et al.

In regards to claim 3, modified Kenyon et al. teaches an apparatus according to claim 1 or 2; however modified Kenyon et al. is silent to specifying the wherein said humidifier is a heatable water chamber with the limitations as claimed.

Mayer et al. teaches a device for supplying respiratory gases which includes a humidifier as a heatable water chamber as claimed. (humidifying apparatus 2; Fig. 1 of Mayer et al.) Mayer et al. also teaches "introducing humidifying water into the liquid storage container 17" of the humidifying apparatus (col. 12 ln. 50; Fig. 1 of Mayer et al.)

Mayer et al. also teaches that said apparatus includes, a chamber heating means connected to said housing as claimed. Mayer et al. discloses that the "water bath [of liquid in container 17] is preferably slightly heated by means of a heating device" (col. 3 ln. 58). The humidifying apparatus including the heating means, when substituted for the humidifier of modified Kenyon et al., is connected to the housing as claimed. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the humidifier of modified Kenyon et al. with the humidifying apparatus in view of Mayer et al., because Mayer et al. states that the humidifying

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apparatus is "coupled directly laterally to a CPAP-unit easily and without the need for expert assembly procedures" (col. 1 ln. 64).

The device taught by Kenyon et al. includes the said housing includes a humidifier engagement locating a said humidifier adjacent said chamber heating means as claimed. (connection means 21 and tubes 24 & 25; Fig. 1 of Kenyon et al.)

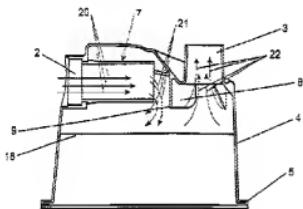
In regards to the language of the claim in which said chamber heating means adapted to vaporise liquid water in said water chamber in order to provide water vapour to said gases flow passing through said water chamber, this is the inherent function of a humidifying device.

In regards to claim 4, modified Kenyon et al. teaches an apparatus according to claim 3 wherein said humidification chamber has a base (base body 16; Fig. 1 of Mayer et al.)

In regards to the claimed said chamber is engagable with said humidifier engagement via a single motion, and said single motion of engagement urges the base of said humidification chamber adjacent and in contact with said chamber heating means, connecting the substituted humidifying apparatus of Mayer et al. for the humidifier of Kenyon et al. would only require a single motion of connecting the tubes (24 & 25) with the humidifying apparatus. Connecting the substituted humidifying apparatus with the rest of the device of Kenyon et al. also makes a first fluid connection between said pressurised gases outlet and said humidifier inlet, and makes a second fluid connection between said humidified gases return and said humidifier outlet, with

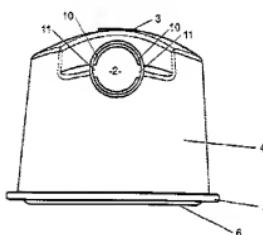
said first and second fluid connections being made in the direction of said single motion as claimed.

**Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (6,398,197) in view of Eckerbom et al. (5,460,172).**



**FIGURE 2**

Fig. 2 of Dickinson et al.



**FIGURE 3**

Fig. 3 of Dickinson et al.

In regards to claim 6, Dickinson et al. teaches a humidifier chamber for use with a gases humidification apparatus comprising:

a container, with a surrounding wall and top, and an open bottom, (transparent plastic shell 4; Dickinson et al. Figs. 2 & 3)

a heat conductive base enclosing said open bottom of said container, (heat conductive base 6; Dickinson et al. Fig. 3)

a gases inlet to said container, (gases inlet 2; Dickinson et al. Figs. 2 & 3)

a gases outlet to said container, (gases outlet 3; Dickinson et al. Figs. 2 & 3)

however, Dickinson et al. is silent to including filter means on or over said inlet to said container to filter said gases to said container. Eckerbom et al. teaches a similar moisture and heat exchange unit which in the air flow path "on the 'dry and cold' side thereof, a bacterial filter 20 is positioned" (col. 3 ln. 60; Fig. 2 filter 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus taught by Kenyon et al. to include a filter as taught by Eckerbom et al. on or over the dry and cold side of the inlet of the humidifier, because Eckerbom et al. teaches a moisture and heat exchanging unit may add a filter to complete the required functions of the device. (column 2, lines 43-50)

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (6,398,197) and Eckerbom et al. (5,460,172) as applied to claim 6 above, and further in view of Hoffsrichter (DE 10,226,160) and Kenyon et al. (6,397,841).**

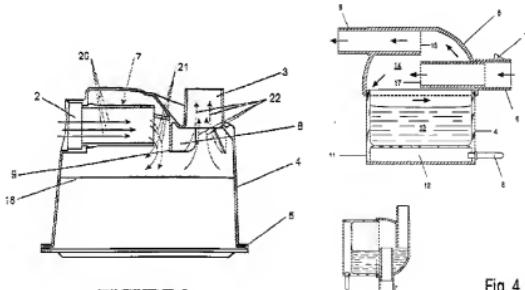


Fig. 2 of Dickinson et al.

Fig. 4 of Hoffsrichter

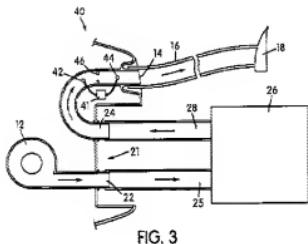


FIG. 3

Fig. 3 of Kenyon et al.

In regards to claim 7, modified Dickinson et al. teaches a humidifier chamber according to claim 6 further comprising a first elongate flow tube extending into said humidifier container from the inner periphery of said gases inlet (inlet extension tube 7; Fig. 2)

However Dickinson et al. is silent to including a second elongate flow tube extending into said humidifier container from the inner periphery of said gases outlet. Hoffrichter teaches an air humidifier for a respirator which includes a tube extending into the humidification chamber from the inner periphery as claimed. (gauge-edge 18 of outlet pipe 9; Fig. 4) The two flow tubes taught by Hoffrichter are substantially parallel to each other, and substantially parallel to said base of said chamber. (See Fig. 4) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gases outlet of Dickinson et al. to include a parallel tube extending into the humidification chamber in view of Hoffrichter, because Hoffrichter states that this allows "the air current mixes with the steam without resistance, yet prevents water from flowing back" (Abstract).

The modified device of Dickinson et al. is also silent as to having said gases inlet and said gases outlet facing the same direction, a preferred insertion direction, and said preferred insertion direction is substantially parallel to the said base of said chamber, such that said humidifier chamber may make operable engagement with a heater base in a single motion, and fluid connections with said gases outlet and said gases inlet, being also made in said single motion. Kenyon et al. teaches a humidification apparatus where the gases inlet and outlet are facing the same direction and parallel to the base. (See Fig. 3) The inlet and outlet tubes are also parallel to the single motion engagement (see discussion of claim 4) direction which make fluid connections during engagement. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified device of Dickinson et al. to have the gases inlet and outlets configured in view of Kenyon et al., because Kenyon et al. states that the engagement setup advantageously allows "the apparatus can be quickly and easily converted between including, or not including, a humidifier in the gas supply path" (col. 4 ln. 10).

**Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (6,398,197), Eckerbom et al. (5,460,172), Hoffsrichter (DE 10,226,160), and Kenyon et al. (6,397,841) as applied to claims 6 or 7 above, and further in view of Martin, Jr. et al. (5,992,413).**

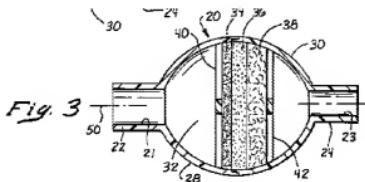


Fig. 3 of Martin, Jr. et al.

In regards to claim 8, modified Dickinson et al. in view of Eckerbom et al. teaches a humidifier chamber according to claims 6 or 7 including means to lock said filter means in place in said inlet. Eckerbom et al. states that the filter is sealed to the inlet "by welding along its periphery" (col. 4 ln. 63).

however, Eckerbom is silent to said filter means including a framework substantially supporting a filter material, however Martin, Jr. et al. teaches a filter for a heat and moisture exchanger which includes "support members 40 and 42 [which] are positioned so that they provide support for the filter element 34" (col. 6 ln. 38; Martin, Jr. et al. Fig. 3).

Martin, Jr. et al. also teaches that said framework being shaped to fit the internal shape of said inlet as "inlet 22 is defined by first housing section 28. Such respiratory gases pass through filter element 34" (col. 6 ln. 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the filter taught by Eckerbom et al. applied to the modified device of Dickinson et al. to include framework to support the filter at the gas inlet in view of Martin, Jr. et al., because Martin, Jr. et al. states that the taught filter element is useful to remove contaminants, for example, liquid

particles, microbes and/or other contaminating materials, from the respiratory gases" (col. 5 ln. 27).

In regards to claim 9, the device of Dickinson et al. with the modified filter taught by Martin, Jr. et al. teaches a humidifier chamber according to claim 8 wherein said filter material is interposed between the structural members of said framework. Filter (34) is interposed between framework elements 40 and 42. (See Martin, Jr. et al. Fig. 3)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents or publications are pertinent art regarding the claimed device: Dobson et al. (5,564,415), Rose et al. (5,231,979), and Moberg (6,718,974).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLIN STUART whose telephone number is (571)270-7490. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Yao can be reached on 571-272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/CS/  
Examiner, Art Unit 4177

/Michael C. Astorino/  
Primary Examiner, Art Unit 3769

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